

REMARKS

Claims 1-20 are pending, with claims 1, 6, 12, and 15 being independent. Claims 1-2, 4-7, 9-12, 15, and 18 are amended, and claims 21-23 are added by this amendment. No new matter is being added.

The Office Action indicates that claims 4, 9, and 10 would be allowable if rewritten in independent form. Applicant thanks Examiner for this indication of allowable subject matter.

Claims 1-3, 5, 12-15, 17, 18, and 20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Mott (US Patent No. 5,500,635). Applicant has amended claims 1, 12, and 15 to obviate this rejection.

As amended, claim 1 recites footwear incorporating an illumination system. The footwear includes a sole including light transmitting material. A first illumination device within the sole is configured to provide light of a first color, and a second illumination device within the sole is configured to provide light of a second color. A control processor is configured to blend said light provided by said first and second illumination-devices to provide light of a third color that is visible outside of the sole. A power source provides power to said first and second illumination devices and said control processor.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 because Mott fails to describe or suggest all of the features of claim 1. Specifically, Mott fails to describe or suggest "a control processor configured to blend said light provided by said first and second illumination-devices to provide light of a third color that is visible outside of the sole," as recited in claim 1.

Instead, Mott describes shoes that include an impact sensing element made from polymeric piezoelectric material (Mott, Abstract). In response to a sensed impact, one or more light emitting diodes (LEDs) may be lit. The LEDs may be mounted on a surface of the shoe, for example, as is illustrated in FIG. 13. Alternatively or additionally, the LEDs may be mounted within a light unit on the back of the shoe, as is illustrated in FIG. 15. Mott describes the LEDs being of different colors in some implementations. For example, Mott describes using different colored LEDs to represent different temperatures. More specifically, Mott describes lighting a single color for each of the different temperature ranges (Mott, col. 15, lines 5-11).

Consequently, Mott fails to describe or suggest "a control processor configured to blend said light provided by said first and second illumination-devices to provide light of a third color that is visible outside of the sole," as recited in claim 1.

For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1, and its dependent claims.

Similarly, claims 12 and 15 recite a control processor that is configured to blend light of first and second colors that is provided by first and second illumination devices, respectively, to provide light of a third color that is visible outside of the sole of the footwear. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 12 and 15, and their respective dependent claims, for at least the reasons discussed above with respect to claim 1.

Claims 1-3, 5, 6-8, and 11 stand rejected under 35 U.S.C. 102(b) as being anticipated by Chiaramonte, Jr. (US Patent No. 4,020,572). Applicant has amended claims 1 and 6 to obviate this rejection.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 because Chiaramonte fails to describe or suggest all of the features of claim 1. Specifically, Chiaramonte fails to describe or suggest "the first illumination device being configured to provide light of a first color," "the second illumination device being configured to provide light of a second color," or "a control processor configured to blend said light provided by said first and second illumination devices to provide light of a third color that is visible outside of the sole," as recited in claim 1.

Instead, Chiaramonte describes a platform for footwear having an illuminated sole portion (Chiaramonte, Abstract). The illuminated sole portion includes a single lamp, as is illustrated in FIGS. 1-4. The illumination of the lamp is controlled by a "basic timed discharge circuit" (Chiaramonte, col. 3, lines 15-16). The timed discharge circuit includes resistors and capacitors that control power that is supplied to the lamp for illumination.

Consequently, Chiaramonte fails to describe or suggest "the first illumination device being configured to provide light of a first color," "the second illumination device being configured to provide light of a second color," or "a control processor configured to blend said

light provided by said first and second illumination devices to provide light of a third color that is visible outside of the sole,” as recited in claim 1.

For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1, and its dependent claims.

Similarly, claim 6 recites footwear in which light of first and second colors that is provided by first and second illumination devices, respectively, is blended to provide light of a third color that is visible outside of the sole of the footwear. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 12 and 15, and their respective dependent claims, for at least the reasons discussed above with respect to claim 1.

Claims 6, 8 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Goldston et al (US Patent No. 5,546,681). Applicant has amended claim 6 to obviate this rejection.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 6 because Mott and Goldston, either alone or in combination, fail to describe or suggest all of the features of claim 6. Specifically, Mott and Goldston fail to describe or suggest blending light of first and second colors that is provided by first and second illumination devices, respectively, to provide light of a third color that is visible outside of the sole of the footwear, as recited in claim 6.

As discussed above, Mott fails to describe or suggest all of the features of claim 6. Specifically, Mott fails to describe or suggest blending light of first and second colors that is provided by first and second illumination devices, respectively, to provide light of a third color that is visible outside of the sole of the footwear, as recited in claim 6. Goldston fails to remedy the shortcomings of Mott.

Instead, Goldston describes a “light producing mechanism 30 disposed in the midsole portion 10 of the shoe 1 (Goldston, FIGS. 1 and 2 and col. 4, lines 12-13). Multiple LEDs are disposed around a perimeter of the light producing mechanism. A transparent structure conforms to the perimeter of the light producing mechanism and covers the LEDs. “When the wearer raises the shoe from contact with the ground, visible light is emitted from the transparent structure” (Goldston, col. 3, lines 65-67). Goldston is silent as to the color of the visible light produced by the LEDs.

Therefore, Goldston fails to describe or suggest blending light of first and second colors that is provided by first and second illumination devices, respectively, to provide light of a third color that is visible outside of the sole of the footwear, as recited in claim 6. Consequently, Mott and Goldston, either alone or in combination, fail to describe or suggest blending light of first and second colors that is provided by first and second illumination devices, respectively, to provide light of a third color that is visible outside of the sole of the footwear, as recited in claim 6.

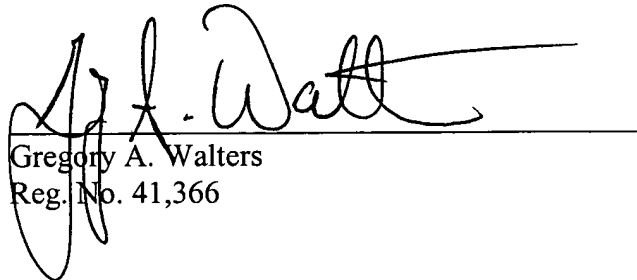
For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 6, and its dependent claims.

Claims 16 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Johnson et al (US Patent No. 4,510,704). As discussed above, Mott fails to describe or suggest all of the features of claim 15. Johnson fails to remedy the shortcomings of Mott. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 16 and 19, for at least the reasons discussed here and above with respect to claim 15.

Enclosed is a \$300 check for excess claim fees and for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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